

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BRIAN KILLION,	:	
	:	
Plaintiff,	:	Civ. No. 16-5356 (RBK) (JS)
	:	
v.	:	
	:	
GERALDINE COHEN, et al.,	:	<b>MEMORANDUM AND ORDER</b>
	:	
Defendants.	:	
	:	

Plaintiff is a state prisoner proceeding *pro se* with a civil rights complaint. Plaintiff's complaint was removed to this Court by the defendants on September 1, 2016. On September 8, 2016, defendants filed a motion to dismiss. (*See* Dkt. No. 2) Plaintiff has not filed a response to defendants' motion to dismiss.

On October 14, 2016, this Court received a letter from plaintiff. (Dkt. No. 3) Plaintiff seeks an extension of time on the motion hearing date for the outstanding motion to dismiss. As the docket to this case indicates, the motion to dismiss will be decided on the papers such that there will be no motion hearing unless so ordered by this Court. Accordingly, this Court finds that plaintiff's request to move the motion hearing date is unnecessary. Nevertheless, as indicated above, plaintiff has not filed a response in opposition to defendants' motion to dismiss. Plaintiff's letter indicates a willingness on his part to respond to the motion to dismiss. Therefore, and despite the fact that the time for plaintiff to respond to the motion to dismiss has long since passed, this Court will give plaintiff additional time in which to file a response to the motion to dismiss in the interest of justice.

Accordingly, IT IS this 17th day of October, 2016,

ORDERED that plaintiff shall have until twenty-one (21) days from the date this Order is entered in which to file a response to defendants' motion to dismiss (Dkt. No. 2); and it is further

ORDERED that defendants may file a reply to their motion to dismiss within seven (7) days from when plaintiff files his response to their motion to dismiss; and it is further

ORDERED that the Clerk shall serve this Order on plaintiff by regular U.S. mail.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge